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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,186	12/19/2001	Matthew R. Wilson	KCX-489(17400)	6465

7590 01/21/2004

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EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/025,186

Applicant(s)

WILSON ET AL.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6-12 and 15-23 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Specification***

The specification is objected to because on page 6, line 12, "patent roll" should be "parent roll". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by McNeil, U.S. Patent No. 4919351.

Referring to claims 1, 5, 13, and 14, McNeil teaches a bedroll 21 disposed such that web material from a parent roll passes around a circumferential surface portion of said bedroll; a pair of bedroll blades 31 retractably mounted on said bedroll 21 and able to move from retracted position to a protracted position radially beyond said bedroll surface to engage the web material for a web cutting event as shown in Figs 1, 3, 5 and 7; a chopper roll 23 disposed next to said bedroll, said chopper roll comprising a first blade and a second blade 32 extending from a circumference surface of said chopper roll; said first and second blades rotationally intermeshing with said bedroll blades in said web cutting event as shown in Fig. 3; said first blade and second blades extending from said chopper roll circumferential surface at an angle having a tangential and a radial component, as shown in Figs. 1, 3, 5 and 7. The blades 32 can be seen to have

both a radial and a tangential component, as these terms are used by applicants; because they are normal to the chordal flat face 43, but do not lie on a radius of the roll, since neither blade is located at the midpoint of the chord.

***Allowable Subject Matter***

Claims 2-4, 6-12, and 15-23 are allowed.

***Response to Arguments***

Applicant's arguments filed 9/2/03 have been fully considered but they are not persuasive with respect to claims 1, 5, and 13-14.

Applicant argues that reference McNeil '351 does not disclose the chopper roll blades extending from a circumference surface of said chopper roll and the second blade is resiliently mounted to the chopper roll.

Applicant makes the first point by explaining that McNeil '351 blade tips of the blades 32 are in the radius-circle of the circular portions of the roll and thus the tips of the blades 32 do not extend radially outward beyond the radius-circle surface of the roll 23.

Examiner disagrees with the applicant because McNeil '351 blades 32 does extend from a circumference surface 43 of said chopper roll 23. The Webster dictionary defines "circumference" as the external boundary or surface of a figure or object; periphery. The figure 3 of McNeil '351 shows clearly that blades 32 extends from a circumference surface 43.

Applicant makes the second point by explaining that McNeil '351 blades 32 are rigidly mounted relative to the roll 23 and neither of the blades 32 is resiliently or flexibly mounted relative to the roll 23.

Examiner disagrees with the applicant because McNeil '351 blades 32 rigidly mounted relative to the roll inherently encompasses the idea of flexibly/resiliently mounting to the roll. "flexibility and resiliently" are relative terms, particularly since virtually anything will flex if enough pressure is applied to the blades.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712.

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The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

1/12/03

*Kathy Matecki*  
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